

Appendix D

GPC1 P10-071

09/016,869

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 97

Filed by: Trial Section Merits Panel  
Box Interference  
Washington, D.C. 20231  
Tel: 703-308-9797  
Fax: 703-305-0942

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

ALEXANDER KAMB,

NOV 21 2000

Junior Party,  
(Application 08/481,063),

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

v.

DENNIS A. CARSON and TSUTOMU NOBORI,

Senior Party  
(Application 08/227,800).

Patent Interference No. 104,009

Before: McKELVEY, Senior Administrative Patent Judge, and  
TORCZON and GARDNER-LANE, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the REQUEST FOR ENTRY OF ADVERSE

JUDGMENT AS PART OF SETTLEMENT OF INTERFERENCE (Paper 96), it is

ORDERED that judgment on priority as to Count 2  
(Paper 93, page 22), the sole count in the interference, is  
awarded against Junior party ALEXANDER KAMB.

FURTHER ORDERED that Junior party ALEXANDER KAMB IS  
not entitled to a patent containing claims 1, 5, 8, 11-15 and 23.

10-11-2000 F. J. M. 2000

30 (corresponding to Count 2) of application 08/481,063, filed  
7 June 1995.

FURTHER ORDERED that a copy of this paper shall be made  
of record in files of application 08/481,063 and application  
08/227,800.

FURTHER ORDERED that if there is any additional  
settlement agreement (see Papers 90 and 91), attention is  
directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

*myk*  
FRED E. MCKELVEY, Senior  
Administrative Patent Judge

*[Signature]*  
RICHARD TOREZON  
Administrative Patent Judge

*[Signature]*  
SALLY GARDNER-LANE  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

104-009

cc (via First Class Mail):

Attorneys for Kamb  
(real party in interest  
Myriad Genetics, Inc.):

Bart G. Newland, Esq.  
Joseph A. Hynds, Esq.  
ROTHWELL, FIGG, ERNST & KURZ  
Columbia Square  
Suite 701, East Tower  
555 13th Street, N.W.  
Washington, D.C. 20004

Tel: 202-783-6040  
Fax: 202-783-6031  
E-mail: bnewland@rfek.com  
E-mail: jhynds@rfek.com

Attorneys for Carlson  
(real party in interest  
The Regents of the University  
of California):

Edward J. Keeling, Esq.  
Kevin L. Bastian, Esq.  
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834

Tel: 415-576-0200  
Fax: 415-576-0300  
E-mail: lls@townsend.com

Attorneys for non-parties Beach and  
Cold Spring Harbor Laboratory (see Paper 70):

Patent Group  
FOLEY, HOAG & ELIOT, LLP  
One Post Office Square  
Boston, MA 02109-2170